

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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11 CEDRIC V. PETERSON,

12 Plaintiff, NO. CIV. S-05-0423 FCD KJM

13 v. MEMORANDUM AND ORDER

14 J P MORGAN CHASE BANK, as  
15 Trustee Under the Pooling and  
16 Servicing Agreement, dated as  
17 of June 1, 2002, Among Credit-  
18 Based Asset Servicing and  
19 Securitization LLC, SALOMON  
20 BROTHERS MORTGAGE SECURITIES  
VII, INC., LITTON LOAN  
SERVICING LP and J P MORGAN  
CHASE BANK, SALOMON MORTGAGE  
LOAN TRUST, C-BASE MORTGAGE  
LOAN ASSET-BACKED  
CERTIFICATES. SERIES 2002-CB3,

21 Defendants.

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23 The court has reviewed plaintiff Cedric V. Peterson's notice  
24 of removal filed June 23, 2005, and hereby STRIKES the removal as  
25 improper in that it was filed in CIV S-05-0423 FCD KJM, when it  
26 should have been filed as a new action. Plaintiff's counsel is  
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1 instructed to re-file the matter in accordance with Local Rule  
2 77-121.

3 Additionally, plaintiff's counsel shall also review and  
4 comply with Local Rule 83-123 upon the re-filing of the removal.

5 IT IS SO ORDERED.

6 DATED: June 30, 2005

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8 /s/ Frank C. Damrell Jr.  
9 FRANK C. DAMRELL, Jr.  
UNITED STATES DISTRICT JUDGE

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